

STATE EMPLOYMENT
RELATIONS BOARD

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**STATE OF OHIO
STATE EMPLOYMENT RELATIONS BOARD**

IN THE MATTER OF THE CONCILIATION*
BETWEEN *
SANDUSKY COUNTY SHERIFF *
-AND- *
OHIO PATROLMENS BENEVOLENT *
ASSOCIATION *

**CASE NO. 98MED050584
(PARAMEDICS)**

**LOUIS M. THOMSON, JR.,
CONCILIATION AWARD OF CONCILIATOR**

**PRESENT:
FOR THE OPBA**

**JOSEPH M. HEGEDUS, ESQ, LABOR COUNSEL
ROBERT SHETENHELM, OPBA ASST. DIRECTOR
EARL R. TOWNSEND, JR.,**

FOR THE SHERIFF

**EUGENE P. NEVADA, SR. CONSULTANT
DONALD J. BINKLEY, ACCOUNT MANAGER
TIM GRABENSTETTER, PERSONNEL DIRECTOR
NANCY KAISER, EMS**

SUBMISSION

THIS MATTER CONCERNS CONCILIATION PROCEEDINGS BETWEEN THE SHERIFF OF SANDUSKY COUNTY, OHIO (HEREINAFTER "THE SHERIFF" OR "THE EMPLOYER") AND THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (HEREINAFTER "THE UNION") AND NAMELY THE EMS UNIT OF THE SHERIFF'S OFFICE WHICH CONSISTS OF APPROXIMATELY TWENTY (20) EMPLOYEES THAT ARE FULL-TIME PARAMEDICS BELOW THE RANK OF CAPTAIN.

THE STATE EMPLOYMENT RELATIONS BOARD ("SERB") DULY APPOINTED LOUIS M. THOMSON, JR., OF TOLEDO, OHIO AS CONCILIATOR IN THIS MATTER IN ACCORDANCE WITH OHIO REVISED CODE (O.R.C.) SECTION 4117.14(D)(1) EFFECTIVE AS OF NOVEMBER 10, 1998.

WHILE THE LETTER OF APPOINTMENT STATED THAT "... THE CONCILIATOR SHALL SCHEDULE A HEARING WITHIN 30 DAYS OF NOVEMBER 3, 1998..." THE PARTIES OPTED TO HOLD THE CONCILIATION HEARING ON DECEMBER 21, 1998.

MR. EUGENE P. NEVADA AND MR. DONALD J. BINKLEY WERE THE CHIEF REPRESENTATIVE'S FOR THE SHERIFF AND JOSEPH M. HEGEDUS, ESQ. REPRESENTED THE OPBA.

THE CONCILIATION PROCEEDINGS WERE CONDUCTED PURSUANT TO THE OHIO COLLECTIVE BARGAINING LAW AND THE RULES AND REGULATIONS OF SERB.

PRIOR TO THE BEGINNING OF THE ACTUAL CONCILIATION HEARING, THE PARTIES ENGAGED IN A CONVERSATION, WHICH RESULTED IN SOME AGREEMENTS AS NOTED BELOW.

BOTH PARTIES PARTICIPATED FULLY IN THE CONCILIATION HEARING.

THIS CONCILIATOR IN MAKING THE FOLLOWING AWARDS HAS TAKEN INTO CONSIDERATION THE FACTORS ENUMERATED IN SECTION 4117.14(C) (4) (e) OF THE O.R.C.

THE PARTIES, AS NOTED ABOVE, PRIOR TO THE START OF THE CONCILIATION HEARING RESOLVED THE FOLLOWING PREVIOUSLY UNRESOLVED ISSUES:

1. DURATION OF PARTIES AGREEMENT.

PARTIES' AGREEMENT WILL EXPIRE ON JULY 28, 2001.

2. INJURY LEAVE.

PARTIES AGREED TO LANGUAGE OF FACT FINDERS AWARD BUT "AMENDED" THE AWARD BY EXPANDING THE TWO (2) MONTH PERIOD OF PAID LEAVE INTO A THREE (3) MONTH PERIOD OF PAID LEAVE.

3. VACATIONS.

THE PARTIES STIPULATED TO THE CARRY-OVER OF UP TO TWO (2) YEARS ACCUMULATED VACATION.

4. UNIFORMS.

THE PARTIES STIPULATED TO THE LANGUAGE FOUND IN THE FACT-FINDERS RECOMMENDATION AS NOTED IN ITEM 7 OF THE REPORT.

ITEMS OF RESOLUTION

THE RELATIVE POSITIONS OF THE PARTIES ON THE UNRESOLVED ISSUES HAVE BEEN AMPLY DEMONSTRATED AND ELOQUENTLY ARGUED WITH TESTIMONY AND NUMEROUS EXHIBITS.

THE PARTIES UNDERSTAND THEY'RE OWN AND EACH OTHER'S PROPOSALS SO THIS CONCILIATOR WILL NOT EXPAND THIS AWARD BY REPEATING THEM.

BOTH PARTIES ARE AWARE THAT PROCEEDING TO CONCILIATION HAS LEFT THE FINALIZATION OF THE UNRESOLVED ISSUES TO THE CONCILIATOR IN

ACCORDANCE WITH THE LAW THAT HAS BEEN DEVELOPED AND FOLLOWED IN OHIO IN RECENT YEARS.

ITEMS FOR RESOLUTION

AS A RESULT OF THE ABOVE ENUMERATED PROCEDURES THAT PARTIES PRESENTED THE FOLLOWING UNRESOLVED ISSUE TO THE CONCILIATOR:

1. ARTICLE 31 – GROUP INSURANCE

EMPLOYEE POSITION

THE EMPLOYER ARGUES THAT HEALTH INSURANCE COSTS HAVE BEEN ESCALATING AND THE ONLY TRUE LEVERAGE THE EMPLOYER HAS IN SHOPPING FOR COST EFFECTIVE COVERAGE LIES IN THE ECONOMICS OF SCALE. APPROXIMATELY TWENTY (20) PARAMEDICS CANNOT STAND IN THE WAY OF THE COUNTY BEING ABLE TO NEGOTIATE A BETTER RATE OF COVERAGE. IF AN INDIVIDUAL EMPLOYEE OR A BARGAINING UNIT DESIRES MORE COVERAGE THEY SHOULD BE WILLING TO PAY FOR IT.

UNION POSITION

THE UNION PROPOSES THE LANGUAGE AWARDED BY THE FACT-FINDER.

AWARD

IN THIS DAY AND AGE THE EMPLOYER AND ITS INSURANCE COMMITTEE MUST HAVE THE ABILITY TO UTILIZE EVERY AVENUE IN ATTEMPTING TO CONTAIN THE EVER INCREASING COSTS OF GROUP INSURANCE FOR ALL THE EMPLOYEES.

THE FACT-FINDER IN THIS INSTANT MATTER DID NOT OFFER ANY RATIONALE AS TO THE ACCEPTANCE OF THE UNION POSITION. IN THIS CONCILIATOR'S OPINION NEITHER DID THE FACT-FINDER IN THE JUNE 22, 1998 FINDINGS IN HIS OPBA/SANDUSKY COUNTY SHERIFF CASE.

THE EMPLOYER WILL BE HAMPERED IN ITS YEARLY DEALINGS FOR GROUP INSURANCE UNTIL IT CAN SPEAK WITH ONE VOICE FOR ALL FIVE BARGAINING UNITS AND THEIR 400 EMPLOYEES. TO ADD THE TWENTY (20) PARAMEDIC EMPLOYEES TO THE OTHER OPBA UNIT POSITION WOULD ONLY PROLONG THE PERIOD AS TO WHEN THE EMPLOYER CAN SPEAK WITH ONE VOICE IN ITS ONGOING INSURANCE NEGOTIATIONS. THIS CONCILIATOR CANNOT FIND THAT THESE UNITS MEMBERS WILL BE DAMAGED BY JOINING THREE HUNDRED (300) FELLOW COUNTY EMPLOYEES IN THE NEW INSURANCE PROGRAM.

AWARD

THE EMPLOYER'S REVISED FINAL OFFER RECEIVED ON DECEMBER 18, 1998 FOR ARTICLE 31 – GROUP INSURANCE SHALL BE INCLUDED IN THE NEW AGREEMENT.

2. ARTICLE 35 – WAGES

EMPLOYER POSITION

THE EMPLOYER IN ARTICLE 35.1 OFFERS A THREE PERCENT (3%) INCREASE IN THE BASE RATE OF EACH EMPLOYEE (AND OFFERED IT TO BE RETROACTIVE TO AUGUST 1, 1998) FOR EACH OF THE THREE (3) YEARS OF THE AGREEMENT.

IN ARTICLE 35.2 THE EMPLOYER PROPOSES TO “PICK UP” EIGHT AND ONE-HALF PERCENT (8.5%) OF THE BARGAINING UNIT EMPLOYEE'S CONTRIBUTION TO PERS.

THE EMPLOYER'S SECTION 35.3 PERTAINS TO THE PAYMENT OF LONGEVITY FOR EMPLOYEES WITH FIVE (5) YEARS OF CONTINUOUS SERVICE.

THE EMPLOYER'S SECTION 35.4 WOULD PROVIDE FOR A PRORATED LONGEVITY COMPENSATION AT THE TIME OF RETIREMENT.

UNION POSITION

THE UNION AVERS THAT THE THREE PERCENT (3%) ANNUAL WAGE INCREASES AMOUNTS TO ONLY A \$.20/HOUR INCREASE BASED ON THE PRESENT WAGE STRUCTURE. THE UNION PRESENTED MANY EXHIBITS TO SUPPORT THEIR PROPOSAL.

AWARD

THE CONCILIATOR WAS IMPRESSED BY A NUMBER OF THE UNION EXHIBITS, TO WIT, THE JULY 29, 1996 EMS TASK FORCE REPORT TO COMMISSIONERS (UXA) WHICH NOTED THAT, "... THE PUBLIC INTENT OR PERCEPTION IS THAT THE FIRST PRIORITY OF THE TAX IS TO BE USED FOR EMS. (EMPHASIS ADDED) AND THAT "... PROJECTED EXPENSES IN 1996 WILL USE ONLY 39% OF THE TAX. (EMPHASIS ADDED).

ANOTHER UNION EXHIBIT (UX9) CLEARLY NOTES THAT SANDUSKY COUNTY IS PAYING THROUGH ITS GENERAL FUND TO NORTH CENTRAL EMS, A FOR PROFIT AMBULANCE SERVICE, AN \$85,000 SUBSIDY. THE NORTH CENTRAL EMS WAGE SCALES ARE SUBSTANTIAL HIGHER THAT WHAT ARE BEING PAID TO THEIR OWN EMS.

WHILE THE EMPLOYER STATED THAT THE COUNTY HAS BEEN PROJECTING A LOSS FOR 1998 AND BUDGETS ARE BEING CUT FOR ALL COUNTY OFFICE HOLDERS THIS CONCILIATOR IS MINDFUL THAT THE PROCEEDS OF THE COUNTY'S FIRST ½% SALES TAX WAS LEVIED TO PROVIDE FUNDING FOR THE EMS. BASED ON UX11 IT WOULD APPEAR THAT A ½% SALES TAX ESTIMATE FOR 1998 WAS APPROXIMATELY \$2,350,000.00 AND THE EMS TOTAL 1998 BUDGET APPROPRIATION WAS (UX11) PROJECTED TO BE \$1,276,170.76 WITH ESTIMATED RECEIPTS FOR EMS RUNS TO BE \$320,000.00 FOR 1998.

IT APPEARS THAT THE SANDUSKY COUNTY EMS HAS FOR TOO LONG A PERIOD BEEN TREATED LIKE A STEP CHILD AND IT IS TIME TO BRING THEIR WAGES UP TO PAR.

AWARD

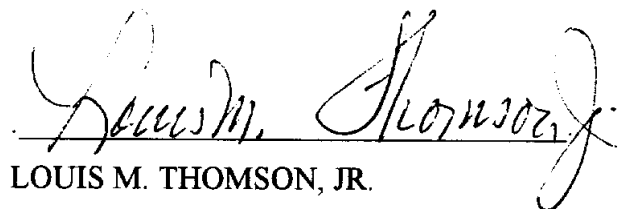
THE LANGUAGE AND WAGES AND LONGEVITY PROVISIONS FOUND IN THE FACT-FINDER'S REPORT OF OCTOBER 15, 1998 SHALL BE USED IN THE NEW AGREEMENT

THE EMPLOYER'S REVISED SUBMISSION DATED DECEMBER 18, 1998 CONTAINED A LISTING OF THE AGREEMENTS ON ARTICLE OF THE AGREEMENT.

ARTICLES 1 THROUGH 29 WERE NOT CHANGED. IN ADDITION ARTICLES 33, 34, 36, 37, AND 38 WERE UNCHANGED. THE PARTIES ACCEPTED THE FACT-FINDER'S PROPOSAL FOR ARTICLES 30 AND 32.

ARTICLE 31 IS THE EMPLOYERS PROPOSAL AND ARTICLE IS THE UNION'S PROPOSAL. THE PARTIES AGREED TO AN EXPIRATION DATE FOR THEIR AGREEMENT OF JULY 28, 2001.

IN CLOSING, THIS CONCILIATOR WOULD LIKE TO THANK THE REPRESENTATIVES FOR THEIR FULL AND COMPLETE PRESENTATIONS AND THEIR COURTESY.


LOUIS M. THOMSON, JR.
CONCILIATOR